IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

C.W.P NO.19318 OF 2006

Date of decision : December 07, 2006

* * * * *

Jaspal Singh .....Petitioner

Vs.

PUDA & others .....Respondents

* * * * *

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Rakesh Garg, Advocate for the petitioner(s).

* * * * *

Viney Mittal, J. (Oral)

Notice of motion to the respondents.

On the asking of the Court, Sh.Sukhdip Singh Brar, Additional Advocate General, Punjab accepts notice on behalf of the respondents. Copies of the writ petition have been supplied to the learned counsel for the respondents.

The petitioner has challenged the orders dated October 1, 2003, April 27, 2005 and May 30, 2006 (Annexures P-3, P-4 and P-5) whereby the site in question belonging to the petitioner had been resumed on the ground of the misuser of the same and the appeal and revision filed by the petitioner have been dismissed.

Sh. Rakesh Garg, learned counsel appearing for the petitioner has contended that the site in question was only resumed on account of the

misuser of the said site when it was found that a nursing institute was being run by the tenant of the petitioner.

However, Sh. Garg points out that the aforesaid misuser has since been stopped after the passing of the revisional order (Annexure P-5).

In these circumstances, learned counsel points out that the resumption order qua the site in question was liable to be set aside.

After hearing the learned counsel for the petitioner and taking into consideration the various pleas raised by the petitioner in the present petition and also keeping in view the fact that the petitioner claims that the misuser of the site in question has since been stopped, we dispose of the present petition with a liberty to the petitioner to file a detailed and comprehensive representation before the Estate Offier, PUDA (in case Estate Officer, Greater Mohali Development Authority has the powers, then before him) by appending all the relevant documents to show that the misuser of the site in question has since been stopped. On filing of the aforesaid representation, the competent authority shall hold an enquiry into the pleas raised by the petitioners and if on such enquiry it is found that the misuser of the site in question has since been stopped, then in such a situation the resumption order passed shall be treated as nonest. Consequently, the appellate and revisional orders shall also be treated as non-operative. However, if on such enquiry it is found that the site in question is still being misused for the purposes other than for which the same was allotted, then in such a situation, the present petition shall be deemed to have been dismissed and the impugned orders passed against the petitioners shall stand revived.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

December 07, 2006
ritu

(H.S BHALLA)
JUDGE